IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 22163 of 2007(L)

PETITIONER:

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1. R. RAMACHANDRAN,
   R.B. BHAVAN, POTTACHIRA, PARANDODE P.O.,ARYANAD,
   NEDUMANGAD TALUK, THIRUVANANTHAPURAM DISTRICT.

2. R. BABY, W/O. RAMACHANDRAN,
   R.B. BHAVAN, POTTACHIRA, PARANDODE P.O.,ARYANAD,
   NEDUMANGAD TALUK, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT MAGISTRATE,
   THIRUVANANTHAPURAM, COLLECTORATE,
   THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
   ELECTRICAL SUB DIVISION, NEDUMANGAD,
   THIRUVANANTHAPURAM DISTRICT.

3. THE ASSISTANT ENGINEER,
   ELECTRICAL SECTION, VITHURA, VITHURA P.O.,
   THIRUVANANTHAPURAM DISTRICT.

4. D. VIJAYAN,
   KUNNUMPURATHU VEEDU, POTTACHIRA,
   PARENDODE P.O., ARYANAD.

BY ADV. SHRI.P.P.THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 22163 of 2007

Dated, this the 2nd day of August, 2007

J U D G M E N T

Petitioners are challenging Ext.P4 order of the ADM approving drawal of electric line over a pathway for giving connection to 4th respondent. I heard learned counsel for the petitioners and learned Standing Counsel for the KSEB. Ext.P2 sketch produced shows the approved route and the alternate route suggested by the petitioners for drawal of the electric line. The present proposal is to draw the line over a pathway from 'A' to 'B' with a right angle bend in the last section. It is seen from the sketch that the entire route of the line is over a pathway, which is obviously used by several people because as many as 6 to 7 houses are shown in the sketch. Petitioners' case is that, an extent of less than around 10 metres of overhead line is only required additionally for the alternate route, and such line can be drawn from Post 'D'. The reason for the objection and suggestion for alternate route is that the pathway in the alternate route is much wider and is a road. Even though the sketch shows that the initial section of the pathway in the alternate route is wide, it is not clear as to whether the pathway is wide or whether crossing of any private property is involved. Petitioners

have agreed to meet the additional cost for drawing of line in the alternate route. Since the line in the alternate route is not much longer, I feel petitioners' request can be granted, provided, the line does not cross private properties and if it so, petitioners will obtain consent from such property owners. In the circumstances, this writ petition is disposed of directing respondents 2 and 3 to draw the line in the alternate route, if the same does not involve crossing of private property, and if it involves, on petitioners producing consent letters from such land owners, and along with it, making payment to meet the cost attributable for drawing of line in the alternate route over the route approved by ADM, that is the additional cost to be incurred for drawing line over the route approved by the ADM. However, if petitioners fail to comply with the above requirements, there will be direction to respondents 2 and 3 to draw the line and give connection to the beneficiary in the route approved by the ADM but by installing post on the extreme boundary of the pathway, if possible, in the boundary wall of the pathway, so that the post does not cause any inconvenience for traffic or future traffic.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg